

**UNION VALE TOWN BOARD MEETING MAY 17, 2018
TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE NY 7:30 PM
PUBLIC HEARING LOCAL LAW 3: Amend Town Code by Removing
the Procurement Policy**

PRESENT: Supervisor Maas

Councilmen: David McMorris, John Welsh

ABSENT: Council members Steven Frazier Corrina Kelley

MOTION TO OPEN PUBLIC HEARING

Councilman Welsh made a motion to open the Public Hearing on Local Law to Amend Town Code by Removing the Procurement Policy which was seconded by Councilman McMorris and all were unanimously in favor.

Supervisor Maas explained the need for removing the procurement policy and making it a stand-alone policy so that changes may annually without the need for changing the Town Code, which can be costly.

Public Hearing Comments:

Bill McCabe – From attending the workshop sessions, he understands the rationale behind this change as long as it conforms to what the State Comptroller’s Office approves of and legal counsel. He questioned Section G and section H as he feels it is contradictory. He then read aloud excerpts from section G & H

“Whenever a contract is awarded to other than the lowest responsible offeror, the purchaser shall support such decision with documentation, etc.”

Section H

“In some circumstances it is not in the best interests of the Town of Union Vale to solicit quotations or to document the basis for not accepting the lowest bid. In these circumstances, the individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, moral worth and the ability to have a close relationship with the governing body. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. The procurement of professional services or of services requiring special or technical skill, training or expertise fall within the purview of this section. The citizens of the municipality deserve the benefit of expertise in these type of services, as an effective performance in these areas, although hard to quantify, ultimately saves the taxpayers money.”

Mr. McCabe finds this rather convoluted and would recommend to simplify this language and revise it and also all throughout many of the changes have to do with accountability and responsibility by requiring documentation and there is no bidding, whereas this directly opposes this which he feels is a strange contradiction.

Supervisor Maas agreed and further explained that much of verbiage is from the original code and the Town Attorney also cited other areas in need of amendment. Their approach will be to make changes at the next months meeting correcting any issues with recommendations from Councilwoman Kelley & Attorney Batistoni and approve it then which she highlighted is the nice part about making it a Policy rather than part of the Town Code.

Mr. McCabe said he understand the ideas behind section H, however it does not make sense. With all the verbiage it seems there are so many options to just avoid accountability which he hopes is cleared up but also feels opens the Town up to favoritism not that he feels is the case but could happen with language like this and fears someone could justify something the Town would not want with language as such.

Supervisor Maas said after the audit with OSC, they created a “Procurement Explanation Form” and it was also recommended to have a note to file any time a decision is made and will go in with all of this as it will be committed to writing. She again stated that all of this will be revised for next month and Mr. McCabe and read it and feel free to comment again.

Tom Beisswenger- agreed with Mr. McCabe’s comments and felt that same paragraph was counterproductive to a competitive market. Supervisor Mass stated they are aware and again, this was part of the older code that had not been updated so they will have new language next month. Mr. Beisswenger said he understood and is glad it will be looked at again.

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As there were no other comments, Supervisor Maas declared the Public Hearing to Amend Town Code by Removing the Procurement Policy closed at 7:39pm

**UNION VALE TOWN BOARD MEETING MAY 17, 2018
TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE NY 7:30 PM
PUBLIC HEARING on 2018 Draft MS4 Annual Report**

PRESENT: Supervisor Maas

Councilmen: David McMorris, John Welsh

ABSENT: Council members Steven Frazier Corrina Kelley

MOTION TO OPEN PUBLIC HEARING

Councilman McMorris made a motion to open the Public Hearing on 2018 Draft MS4 Annual Report which was seconded by Councilman Welsh and all were unanimously in favor.

Supervisor Maas invited MS4 Coordinator, George Kolb, to speak and give some background on this topic. She explained that public comment could be heard after Mr. Kolb's introduction so that everyone was informed and could understand what is being voted on. Mr. Kolb explained that he is currently the Stormwater Management Officer (SMO) for the Town of Union Vale and as part of this designation, annual reporting to the D.E.C. is required every year. This report includes various construction projects that have been inspected for project site erosion work, storm water quality and various storm water related issues that may occur at any work site. In addition, the Town of Union Vale is required to oversee their storm water practices with any site work the Highway Dept. may undertake as well as continual maintenance of catch basins along various streets, culvert and all outlets into waterbodies. This also holds true for the Recreation Grounds crew for work associated with-in the various parks in the Town.

Several drainage districts in the Town have also been accepted and are to be overseen Mr. Kolb's office for compliance to their operation and maintenance. These properties are currently paying for this work through a separate tax for their respective district, so no additional tax burden has been placed on the remaining resident's.

Those involved have and will continue to have training on these practices for all Town of Union Vale personnel involved with these types of work related practices, as well as providing information to the public to protect both ground and storm water best management practices. Mr. Kolb added that he is currently a member of the Dutchess County MS4 committee that meets monthly to discuss these topics and any additional requirements that the D.E.C. may institute for compliance. All of this reporting and documentation on these items are required to be submitted to the D.E.C. This is done on an annual basis working with the Town Engineer to compile this information for the annual report.

Lastly, Mr. Kolb stated that the Town has secured a grant from Dutchess County Soil and Water for some of the costs associated with the implementation of this program and hopes to see this re-imbursement in the near future from NYS.

Mr. Kolb spoke about Union Vale's involvement with the MS4 Stormwater and how Union Vale was designated about 3-4 years ago and this is part of the Clean Water Act of 1972 which was enacted by the EPA and then flowed down to the DEC.

He further explained the need for the annual report and the various stormwater needs including maintenance and inspections.

This is mandated from DEC and lists the practices that Union Vale has implemented in the past year as well as the practices that have been implemented over the past 4 years. It all centers around water quality. Supervisor Maas stated that the Draft document was on the website for public review and the final will be posted upon Board approval tonight. Mr. Kolb explained that the draft is a tool to encompass what has been done over the year ranging from public notice or compliance which is then submitted to the DEC and also kept on file in the Building Department and Town Clerks office. This is also subject to random audit by New York State so that they may inspect that things are being done in line with proper practice. He noted that this is largely documentation based and pointed out that it is an unfunded mandate.

Councilman Welsh further noted that this unfunded mandate has costed the taxpayer much money over the years to comply with the State requirement. Supervisor Maas agreed that stormwater management should be handled simply because of good citizenship however, discovered that all Towns north of Union Vale are not included in

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this mandate and the Town was because it shares a small sliver of density population bordering to Town of Beekman.

Mrs. Tillman asked who the agency that oversees this and Mr. Kolb replied (DEC) the State Department of Environmental Conservation.

Mr. McCabe asked if it also includes streams to with Mr. Kolb said yes, it does involve any body of water or outfall, culverts etc. The mapping has been done by Dutchess County and the objective is to visually inspect these outfalls and although all of them need to be inspected, they do not all have to be done in the same year. He will work closely with the Highway Superintendent and Parks Department to inspect and document these areas.

As there were no other comments or questions, Supervisor Maas declared the Public Hearing on 2018 Draft MS4 Annual Report closed at 7:46 PM.

**UNION VALE TOWN BOARD MEETING MAY 17, 2018
TOWN HALL 249 DUNCAN ROAD LAGRANGEVILLE NY 7:47PM**

PRESENT: Supervisor Maas

Councilmen: David McMorris, John Welsh

ABSENT: Council members Steven Frazier Corrina Kelley

Call to Order and Salute to the Flag

MOTION TO APPROVE MINUTES

Councilman Welsh made a motion to approve the Minutes of April 19th, 2018 which was seconded by Councilman McMorris and all were unanimously in favor.

MOTION TO ACCEPT MS4 ANNUAL REPORT 2018

MS4 Document

Supervisor Maas made a motion to approve the 2018 MS4 Annual Report Document, seconded by Councilman Welsh and all were unanimously in favor.

Town Highway Superintendent Report

Highway Report for April and May 2018

1. Repaired front brakes on truck #1.
2. Replaced PTO pump and clutch on truck #10.
3. Installed new rear springs, axel and brake joints on truck #10.
4. Installed new batteries and cables on truck #9.
5. Replaced rear springs and air valve in truck #4
6. Cleaned residential yards due to damage from winter plowing. This included raking and seeding residential lawns that were damaged by plow wings.
7. Fixed and replaced multiple town signs damaged from high winds.
8. Cleaned ditches on High View Rd. to prevent flooding and maintain proper water runoff.
9. Removed grates and sanders from all trucks used for winter plowing. 10. Washed trucks to prevent rusting.
11. Winter storm cleanup throughout town. Including tree removal and chipping.
12. Helped pick up orange bags from earth day.
13. Cleaned back shop area. Clean and organized work area. Removed dirt and grease from shop floor.
14. Graded and rolled town dirt roads to repair pot holes, road chatter and replace the crown.
15. Storm cleanup after May 15th severe weather. Removed 4 trees on High View Rd. that were blocking the roadway.
16. Removal of three deer carcass from town roads. Carcasses brought to Dutchess County Highway Dept. for proper disposal.
17. Swept traction sand off of town roads from winter storm maintenance. This was only done on certain roads without curbs. I have scheduled Easy Street Cleaning to start on Monday 5-21. They will be doing all of the developments with curbs and catch basins and other certain areas where we should not sweep the sand to the road side. This is also a requirement with the MS4 program, as well as catch basin

cleaning which is on the schedule for June. We will be repairing curbs and pot holes soon.

Mr. Wisseman explained the street sweeping as they are careful to avoid areas with MS4 requirements. He further spoke about inputting a culvert on Cutler Lane on a pipe that was donated and hopes to speak with the engineer before construction.

He also spoke about what he has so far with the Highway-284 and his progress with planning and implementing.

Supervisor Maas also added the Town Hall will be closed due to paving and striping by Clove Excavators on Friday and Saturday.

MOTION TO APPROVE HIGHWAY 284

Councilman Welsh made a motion to accept the Highway 284 Agreement as outlined which includes Quinlan and Still Road leading to Mennella, Jordan Court and Deer Pond which was seconded by Councilman McMorris and all were unanimously in favor.

Special Report: Europa McGovern, Planner & Clean Energy Communities Coordinator – “Clean Energy Communities Program”

Ms. McGovern explained that this is a NYSERDA funded program, and she has been assigned as this area’s local representative, who has already assisted in a few other clean energy grants for Union Vale. Communities that complete a minimum of 4 of the 10 high impact options will become a Clean Energy Community and thereby Union Vale has completed 3 of these actions. This will enable the Town to become eligible for grant money of \$5,000.00 which are unrestricted funds in the hopes of the Town perusing more renewable energy efficiency projects but, may do with it what the Town feels is best.

1) Benchmarking – adoption of a resolution to track and monitor large municipal buildings, 2) Adopting the Unified Solar Permit to which the Town obtained \$2,500, and 3) Energy Code Enforcement Training which Code Enforcement Officer George Kolb, Head Grounds Keeper Jake Gosnell, and Councilman McMorris attended.

Ms. McGovern is here tonight to talk about a fourth possible high impact action that would be suitable for Union Vale.

- 1) Clean Energy upgrades, this uses the benchmarking tool to minimize 10% electricity such as the LED light conversion which.
- 2) Another option is clean fleets, this entails a clean fuel energy vehicle or alternative fueling station for electric vehicles, there are also DEC grants available to help implement things such an electric car or charging stations.

Councilman Welsh asked about charging use, to which a subscription fee for an annual rate or various other ways to cover vendor fees. The deadline is the end of May for this particular opportunity.

Climate Smart Community’s Certification program offered by DEC. The first step is to pass a resolution and the Town then commits to adaptation and mitigation which she noticed is on the agenda tonight.

The Community Choice Aggregation, where the local government becomes the default energy provider. This can be facilitated with other Towns who share the same energy provider. She further explained other communities that have done these processes and their successes as well as other options Union Vale can peruse with projects that are currently ongoing.

There was further discussion on more energy efficient upgrades.

RESOLUTION #18-14 AGREEING TO ADAPT TO A CHANGING CLIMATE

WHEREAS, the Town Board of the Town of Union Vale acknowledges that there is a high probability that human activities over the past fifty years have warmed our planet. The industrial activities that our modern civilization depends upon have caused much the observed increase in Earth's temperatures over the past 50 years.

WHEREAS, most climate scientists agree the main cause of the current global warming trend is human expansion of the "greenhouse effect"—warming that results when the atmosphere traps heat radiating from Earth toward space. Certain gases in the atmosphere block heat from escaping, re-emitting them in all directions warming the surface of the earth and the lower atmosphere. Long-lived gases that remain semi-permanently in the atmosphere and do not respond physically or chemically to changes in temperature are described as "forcing" climate change.

WHEREAS, earth-orbiting satellites flown by NASA (National Aeronautics and Space Administration) have enabled Scientists to collect data on a global scale that demonstrates the heat trapping nature of carbon dioxide and other gases. Gases that contribute to the greenhouse effect include: water vapor (H2O), carbon dioxide (CO2),

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methane (CH₄), nitrous oxide (N₂O), and Chlorofluorocarbons (CFCs) (now largely regulated).

WHEREAS, The planet's average surface temperature has risen about 2.0 degrees Fahrenheit since the late 19th century, a change driven largely by increased carbon dioxide and other human-made emissions into the atmosphere. At the end of the last ice age, when the Northeast United States was covered by more than 3,000 feet of ice, average temperatures were only 5 to 9 degrees cooler than today. We recognize that small changes in temperature correspond to enormous changes in the environment.

WHEREAS, additional examples of negative effects of temperature changes are: shrinking ice sheets in Greenland and Antarctica; retreating glaciers around the world including the Alps, Himalayas, Andes, Rockies, Alaska and Africa; Arctic sea ice is “expected to become essentially ice free in summer before mid-century”; global sea levels expected to rise from one to four feet by year 2100; ocean acidification increases as the acidity of surface ocean waters has continued to absorb carbon dioxide by about 2 billion tons per year.

WHEREAS, the US Global Research Program released information showing visible effects from climate change regionally. In the Northeast heat waves, heavy downpours, intense hurricanes and sea levels rising pose growing challenges to many aspects of life. Our infrastructure, agriculture, fisheries and ecosystems will be increasingly compromised.

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to build livable, energy-independent and secure communities, resilient infrastructures; vibrant farming economies and enhanced appreciation of our responsibility to surrounding nature and ecosystems in order to maintain and preserve our quality of life.

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and to be good stewards of our environment, be good neighbors to each other and to preserve and protect our natural assets,

IT IS HEREBY RESOLVED that the Town of Union Vale, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

- 1) Build a climate-smart community.
- 2) Inventory emissions, set goals, a plan for climate action.
- 3) Decrease energy use.
- 4) Shift to clean, renewable energy.
- 5) Use climate-smart materials management.
- 6) Implement climate-smart land use.
- 7) Enhance community resilience to climate change.
- 8) Support a green innovation economy.
- 9) Inform and inspire the public.
- 10) Engage in an evolving process of climate action.

SOURCES: <https://www.dec.ny.gov/energy/65494.html> & <https://climate.nasa.gov/evidence/>

This resolution was offered by Councilman McMorris and seconded by Councilman Welsh and all were unanimously in favor.

Councilman Welsh asked if this can be passed along to our Planning Board so that they make also keep this in mind.

Town Supervisor’s Report

Financial Report

Supervisor Maas highlighted a few of the major items on the cash flow report which are as follows: \$161,949.00 collected in property tax, \$53,000 sales tax from Dutchess County, \$6,819.00 in penalty fees. Supervisor Maas wanted point out the great job the Recreation Department is doing with programs and resulted in \$64,000.00 revenue. FEMA gave the Town \$35,000 for storm Stella disaster relief which was received last month. \$1.5 million dollars was paid to Dutchess County for their portion of the property taxes and the remainder will be paid out upon completion. The Supervisor mentioned that Department Heads are working very hard at operating to manage expenses and are at 40% of budget amount for expenditures and 172% of budgeted income and thanked all for assisting with keeping costs down.

Project & Monthly Updates

Policy manuals are ongoing and the Employee Manual updating will begin again soon. The cash audits and AUD (Annual Update Document) have been completed. Paychex

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payroll service has been implemented to professionalize payroll and this will be a much more effective way to manage payroll and minimize mistakes and be informed of new laws. Supervisor Maas also stated the Deferred Compensation Plan meeting happened last month for the voluntary retirement plan and 8 employees signed up for the plan. This week is National Peace Officers week and Supervisor Maas wanted to thank our Constables and hopes to have more of a presentation next month as Councilwoman Kelley and Councilman Frazier could not be in attendance this meeting.

Board Member Comments

Councilman McMorris also mentioned to thank our Sheriffs and State Police in leu of National Peace Officers week. He also wanted to remind the public that May 28th, Memorial Day, at 9:00am there will be a service on the Green in Verbank, all are welcome.

Councilman Welsh has been working on grants, current and upcoming. Vassar Brothers Medical Center had invited him to a breakfast meeting to discuss plans for the large addition in the hospital including a more advanced a neonatal, more heart care, more rooms, new emergency room all very positive for Dutchess County and hopes of completion will be sometime next year.

Supervisor Maas wanted to note Millbrook High School Girls Basketball went to State – there will be a parade on Saturday, 3:00pm everyone is invited to congratulate the team.

Supervisor Maas added the District 1 candidates for DC Legislature interviews on Monday, May 22, with Town of Beekman and spoke about the process to appoint this candidate for the replacement of Marc Coviello who was appointed to Dutchess County Veterans Services.

Town Clerk/Tax Collector Report

Town Clerk Casey reported that Orientation for 54 new summer employees on May 23rd, shredding day will also be at 10:00am as well as Board of Assessment will convene from 4-8pm for Grievance day. She reported that receiver of taxes, Joan Miller stated that Union Vale is at 92% collected with second notices that were mailed on May 22.

Public Comments on Agenda Items

Mr. McCabe – Spoke about the signage and inquired about lights such as Christmas lights also falling under this parameter. He further spoke about the election sign rules being unenforceable and wanted to remind the Board of their commitment on this issue.

Board, Committee, Commission & Council Reports:

Community Day & Community Night!

Ed Kasche reminded everyone Community Day is Saturday, June 2 and all the various events and attractions. He is very grateful for the Community Businesses and residents who have helped make this day the most family-oriented day it can be. He asked for volunteers even up to an hour of time. Community Night scheduled for Friday, June 22nd with Fireworks and Tailgate and further highlighted the day’s events. Embroidery Design has donated a summer cap which will be the prize for all winners.

Departmental Reports:

Park Department- Jake Gosnell reported there has been much rain however the small field has been in use for baseball and soccer field are also in use. His department has been preparing for Community Day and working as best as he can with the weather conditions.

Recycling Center – Earth Day Updates 2.5 tons picked up on Earth Day (record results!), Continuing Town-wide Trash Pick-up (use orange bags) at Town Hall, Highway Garage & Recycling Center.

Recreation Department Results – Jessica Dickinson reported on this month’s programs: Community day, a horse show on June 10th, Homeschoolers day June 13th, June 21-22 TGTT Camp days, June 22- Community Night, and June 25th camp begins. She also spoke about last month’s programs: Youth Fishing Derby, “Love Your Park” Day in Godfrey Park, Miles of Hope, Full Moon Hike.

Supervisor Maas again stated the expenses were being managing wonderfully and participation is up.

Old Business:

Digital Signage for Town Center & Neighborhood Commercial Districts:

Outline changes for TC (Town Center) and NC (Neighborhood Commercial)

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The Town Board is working on making changes to the sign law with special regard to the incoming business's. The County will give their input and as well as the Town Planning Board. This will then trigger a public hearing which will take another month or two.

Handicapped Access in Tymor Parking Lot Project

The Town was awarded a grant for \$85,000 to increase accessibility for handicap access to Tymor Park which and the design for the parking lot has been changed a few times. Councilman Welsh spoke about the new additional spaces which will allow easy access for wheelchair or non-wheelchair accessibility for pick up without the need for crossing the street. It will be a very good use of grant money to improve the Town. Supervisor Maas spoke about the engineering perspective to ensure compliancy with the County and Town. The total cost will be \$12,000 for engineering expenses. There is an additional \$20,000 in the budgeted to bridge costs for this project.

MOTION TO AWARD MORRIS ASSOCIATES FOR SURVEYING

Councilman Welsh made a motion to award contract to Morris Associates to oversee the grant project for the CDBG grant for surveying and engineering activities in the amount of \$12,000.00 which was seconded by McMorris and all were unanimously in favor.

New Business:

Animal Control and DC SPCA Report- The SPCA received a non-satisfactory report for the second year in a row and Supervisor Maas will ask our Animal Control Officer for her input on how to handle the situation going forward. Another issue is the distance between Union Vale and the office in Hyde Park and as per the budget it may be more efficient and cost effective to build temporary dog housing on Town property. This will be a topic of further future discussion.

Verbank Gas & Provisions: Naming Contest

Lisette Hitsman announced Sharon Slocum is the winner with "Sprout Creek Station" she thanked the other contest applicants for submitting names and congratulated Sharon on her clever name. She further commented on the issues with the MS4 and her tribulations when it was first implemented.

Hudson River Valley Greenway Grant – Town Center There was an extension and grant opportunity for \$12,000. Supervisor Maas was advised not to sell the property as to gain more revenue which the grant would help facilitate but this is a beginning for discussion.

RESOLUTION #18-15 OF LOCAL LAW NO. 3 of 2018

**A LOCAL LAW OF THE TOWN OF UNION VALE, DUTCHESS COUNTY,
NEW YORK TO AMEND TOWN CODE BY ELIMINATING CHAPTER 64
"PROCUREMENT POLICY"**

This resolution was offered by Councilman Welsh and seconded by Councilman McMorris:

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF UNION VALE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE BY ELIMINATING CHAPTER 64, ARTICLES I-VI, THEREBY REMOVING THE PROCUREMENT POLICY AS TOWN LAW TO BECOME TOWN POLICY.

WHEREAS, a public hearing in relation to said local law was held on May 17th, 2018 at 7:30 p.m. Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

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WHEREAS, said local law has been on the desks of members of the Town Board of the Town of Union Vale for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED, that the following local law is hereby enacted:

TOWN OF UNION VALE LOCAL LAW NO. 3 OF THE YEAR 2018

Section 1. Chapter 64, “Procurement Policy” Articles 1- VI. The “Procurement Policy” will move from being a local law to a policy of the Town of Union Vale and a copy will be on file with the Town Clerk.

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the office of the Secretary of State, State of New York.

The foregoing resolution was voted upon with all council members voting as follows:

Supervisor Maas	Aye
Councilman Welsh	Aye
Councilman McMorris	Aye
Councilman Frazier	Absent
Councilwoman Kelley	Absent

DATED: Union Vale, New York
May 17, 2018


ANDREA CASEY, TOWN CLERK

RESOLUTION #18-16 APPROVING THE PROCUREMENT POLICY FOR THE YEAR 2018

This resolution was offered by Councilman McMorris and seconded by Councilman Welsh:

NOW, BE IT RESOLVED, the Town Board of the Town of Union Vale does hereby approve the following document that has been created in accordance with Section 104-b of the General Municipal Law of the State of New York. “The Procurement Policy” of the Town of Union Vale document will be reviewed annually and revised when necessary (*attached*).

The foregoing resolution was voted upon with all council members voting as follows:

Supervisor Maas	Aye
Councilman McMorris	Aye
Councilman Welsh	Aye

Councilman Frazier Absent

Councilwoman Kelley Absent

Supervisor Maas said although there are still changes to be made and language adjustments based on suggestions, she would like to have something in place since it was just removed from the Town Code.

APPROVE BUDGET ADJUSTMENTS, WARRANTS, PAY BILLS

Councilman Welsh made a motion to approve budget adjustments and pay the bills which was seconded by Councilman McMorris and all were unanimously in favor.

Public Comment on Town Issues

None

Next Agenda Meeting: June 21st / Work session: June 7th

MOTION TO ADJOURN

Councilman Welsh made a motion to adjourn at 9:12pm which was seconded by Councilman McMorris and all were unanimously in favor.

Respectfully Submitted,
Andrea Casey
Town Clerk, Union Vale

**TOWN OF UNION VALE
PROCUREMENT POLICY
MAY 2018**

Town of Union Vale Procurement Policy

Legislative authority; definitions.

- A. Section 104-b of the General Municipal Law requires all municipalities and districts therein to adopt procurement policies for goods and services which are not required by law to be publicly bid. This policy sets forth standard procedures for ordering and purchasing services and supplies in the Town of Union Vale.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BIDDER

Person or organization who submits a bid in response to a request for bids.

PURCHASER

Town body or official who has been authorized by the Town Board to commit the Town to the basic terms of a purchase contract.

SUCCESSFUL BIDDER

Bidder whose bid has been accepted by the purchaser.

General policies.

- A. It is and shall remain the policy of the Town that all Town purchases of goods and services shall be made without regard to the age, sex, race, religion, color, national origin, physical handicap or political affiliation of the vendor or provider of services.
- B. Provided that quality and service are at least comparable, it is and shall remain the policy of the Town that all Town purchases of goods and services shall be made at the lowest possible price available.
- C. Provided that quality, service and price are at least comparable, preference in purchases will be given to vendors who have a place of business within the Town of Union Vale and the County of Dutchess.
- D. The Town Board may, by resolution, delegate the authority to purchase, vested upon it by the Town Law, upon any Town official. The Town Board shall bear ultimate responsibility for purchases made under its delegation of power. The Town Board may, by resolution, revoke the authority it has delegated upon a Town official to act as purchaser.

Procedures.

- A. It is expected that all purchases must fall within departmental budget appropriations for the current fiscal year. The purchaser shall initially review the requirement to determine whether it is a purchase contract or a public works contract. The purchaser shall then make a good faith effort to determine whether it is known or can reasonably be expected that the aggregate amount

to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law:

- (1) Purchase contracts under \$20,000.
 - (2) Public works contracts under \$35,000.
 - (3) Emergency purchases.
 - (4) Goods purchased from agencies for the blind or severely handicapped.
 - (5) Goods purchased from correctional institutions.
 - (6) Purchases under state and county contracts.
 - (7) Surplus and secondhand purchases from another governmental entity.
- B. When a purchaser decides that a purchase is not subject to competitive bidding, the purchaser shall document in writing such decision. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at a copy of the contract indicating the source which makes the item or service exempt or a memo from the purchaser detailing the circumstances which led to an emergency purchase. The Procurement Explanation shall be attached to the voucher.
- C. All goods and services, except those goods and services purchased through a county or state contract, from agencies for the blind or severely handicapped, from correctional institutions or purchases pursuant to Subsection **G** of this section, will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided.
- D. Method of purchase.
- (1) The following method of purchase will be used in order to achieve the highest savings, except for those items listed in Subsection **A** above. The Procurement Explanation Form or suitable "note to file" must be attached to all vouchers for purchases with verbal quotes in which the lowest price was not the reason for a purchase and for all purchases over \$1000.00.
[Amended 4-21-1999; 5-17-2018]

Estimated Amount of Purchase

\$1.00 - \$999

Procurement Method

Discretion of purchaser.
Voucher or purchase

	order signed by department head and approved by Supervisor before the purchase (exclusive of the Highway Department).
\$1,000 - \$2500	Highway Department only. Voucher or purchase order signed by Highway Superintendent; no countersignature required by Supervisor. Procurement Explanation Form shall accompany the voucher when submitted for payment.
\$2500 - \$5000	Highway Department only. Oral request for the goods and oral fax/quotes from two vendors; voucher or purchase order signed by Highway Superintendent; no countersignature by Supervisor is required for Highway Department purchases if voucher or purchase order is signed by Highway Superintendent. Procurement Explanation Form shall accompany the voucher when submitted for payment.
\$1,000 to \$2,999	2 verbal quotations
\$3,000 to \$19,999 request for proposals	3 written/FAX quotations or written

\$20,000 and over

Formal bid process pursuant to
General Municipal Law § 103

Estimated Amount of Public Works

Contract

Procurement Method

\$1,000 to \$2,999

2 verbal quotations

\$3,000 to \$4,999

2 written/FAX quotations

\$5,000 to \$34,999
request for proposals

3 written/FAX quotations or written

\$35,000 and over

Formal bid process pursuant to
General Municipal Law §103

- (2) The purchaser shall make a good faith effort to obtain the required number of alternate proposals. If unable to obtain the required number of alternate proposals, the purchaser shall document the attempt made at obtaining them by attaching the Procurement Explanation Form to all vouchers explaining the reason for the final choice. In no event, however, shall the failure to obtain the proposals be a bar to the procurement.
- E. Bid solicitation. The Town Board shall review advertisements soliciting bids before they are placed for publication. The text of advertisements soliciting bids for the purchase of goods shall contain a fair description of what is to be purchased. The text of advertisements for the purchase of services shall describe the project requirements in sufficient detail for a potential bidder to determine whether or not the bidder is interested in submitting a bid.
- F. Requests for bids shall make it clear that each quotation or proposal submitted in connection with the procurement should include all relevant documentation necessary for the responsible Town Officials to make the award decision.
- G. Whenever a contract is awarded to other than the lowest responsible offeror, the purchaser shall support such decision with documentation and an explanation of how the award will achieve savings. The Procurement Explanation Form must be submitted with a voucher to serve this purpose. The purchaser will be responsible for determining if the offeror is responsible.
- H. In some circumstances it is not in the best interests of the Town of Union Vale to solicit quotations or to document the basis for not accepting the lowest bid. In these circumstances, the individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, moral worth and the ability to have a close relationship

with the governing body. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. The procurement of professional services or of services requiring special or technical skill, training or expertise fall within the purview of this section. The citizens of the municipality deserve the benefit of expertise in these type of services, as an effective performance in these areas, although hard to quantify, ultimately saves the taxpayers' money.

- I. In addition, in the following situations it is not in the best interests of the municipality to secure alternate proposals because of the time required and type of purchase:
 - (1) Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law;
 - (2) Purchases of surplus and secondhand goods pursuant to § 103, Subdivision 6, of the General Municipal Law;
 - (3) Purchases under \$1,000; and [Amended 4-21-1999]
 - (4) Goods and services with sole source vendors.

- J. This policy shall go into effect on June 8, 1997, and will be reviewed annually. [Amended 5-17-2018]

Award of bid and contract.

- A. A Town Board resolution determining whose bid or quotation is successful does not constitute a contract. The resolution is, rather, a necessary step before the prevailing bidder and the Town enter into a contract. Any such resolution awarding the bid shall contain the following language: "The rights and obligations of the prevailing bidder shall be defined in such bidder's contract with the Town. The acceptance of the bid gives the Town the right to secure the goods or services at the quoted price, in conformance with any additional terms enumerated in the request for bids or for quotations. The Town and the successful bidder shall negotiate in good faith such terms as remain to be defined, if any, after the successful bidder is selected."
- B. Once the Town Board or the authorized Town official has selected the prevailing bidder, the Town shall prepare a contract or review a proposed contract.

Performance bond required.

- A. Whenever a contract for the provision of goods or services exceeds \$35,000, or whenever

the Town Board or authorized Town official deems it desirable, such contract shall be prepared or reviewed by the Town Attorney. Purchase orders issued by the Town are contracts.

- B. If a vendor is to provide work or services whose performance affects a substantial interest of the Town, such vendor shall provide a performance bond to ensure that the work or services are performed. Work or services that affect substantial interests of the Town shall include, but not be limited to:
 - (1) The construction or demolition of Town-owned facilities.
 - (2) Agreements for the provision of any services in an amount to be determined on a case-by-case basis by the Town Board.
 - (3) Removal of snow from Town roads.
- C. For the purposes of this chapter, the substantial interests of the Town shall be deemed affected when a failure to perform the work is likely to impair the Town's ability to deliver necessary services to Town residents. The Town Board may designate work for which a performance bond shall be required on a case-by-case basis, and it may enlarge by resolution the categories of work that are deemed to affect a substantial interest of the Town.
- D. The Town Board or the purchaser shall consider whether the Town should determine the authenticity of the security bond by enlisting the assistance of the State Superintendent of Insurance.

Insurance required.

When, in the judgment of the Town Board or of the purchaser, a successful bidder's activities may expose the Town to liability because of injury to persons or property, such successful bidder shall be required to maintain liability insurance in suitable amounts. The Town shall be named in a rider to the insurance policy to prevent the cancellation of the policy without notice to the Town. If the Town Board so requires, the Town shall be named as an additional insured. The contract with a successful bidder shall require that the Town be provided with a copy of the required insurance policy and an original certificate made out to the Town. The successful bidder shall provide the certificate before the contract goes into effect.